Appl. No. 09/966,386 Amdt. dated 02/22/2005 Reply to Office Action of 11/19/2004

RECEIVED CENTRAL FAX CENTER FFB 2 2 2005

Confirmation No. 5088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. Applicant 09/966,386

Len Schultz 09/28/2001

Filed TC/A.U.

2114

Examiner

LE, DIEU MINH T

Docket No.

42390P5728

Customer No.

8791

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Office Action of 11/19/2004, please consider the following Response to an outstanding Office Action for the above-identified application as follows:

The Claims are reflected in the listing of claims which begins on page 2 of this paper. No claims are amended by this Response.

Remarks/Arguments begin on page 6 of this paper.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

Patent and Trademark Office.

INTELLECTUAL PROPERTY LAW 12400 WILSHIRE BOULGVARD, 7TH FLOOR LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

RECEIVED
CENTRAL FAX CENTER

FACSIMILE COVER SHEET

FEB 2 2 2005

Deliver to: <u>Dieu Minh T. Le, USPTO</u>	Art Group:2114 Date: February 22, 2005				
Facsimile No.: 703 872-9306 From: James Henry, Reg. No. 41,064					
Our Docket No.: <u>423</u> 90P5728	Number of pages13_ ;including this sheet.				
Application No.: <u>09/966,386</u>	Filing Date: 9/28/2001				
Enclosed are the following documents:	Docket Due Date(s): 2/19/2005				
	☐ Issue Fec Transmittal				
AmendmentResponse (_9_pgs) Appeal Brief (_pgs) Application:	☐ Notice of Appeal				
Application:	Petition for:				
(pgs) w/cover & abstract)	Request for Continued Examination (RCE)				
Assignment & Cover Sheet (pgs)	Reply Brief (pgs)				
⊠ Certificate of Eacsimile	Request & Certification Under 35 USC 122(b)(2)(B)(i)				
Continued Prosecution Application (CPA)	□ Request to Rescind Previous Nonpublication Request				
Declaration & POA (pgs)	Response to Notice of Missing Parts & Formalities Letter				
Drawings:sheets,figures	Response to Written Opinion (pgs)				
Extension of Time:	☐ Terminal Disclaimer				
☐ E Fee Transmittat (in duplicate)	Transmittal of Publication Fee Due				
D IOS & PTO/SB/08 (pgs)	☐ Transmittal Letter				
Other					
	G/TRANSMISSION (37 CFR 1,8A) In the faction the date shown below to the United States				

Pat Julivan 02/22/2005

Pat Sullivan

Date

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Pat Sullivan.

	Complete if Known							
FEE TRANSMITTAL for FY 2005		Application Numb						
		Filing Date	Scpt	ptember 28, 2001				
Patent fees are subject to annual revision.		First Named Inver		Schultz				
Applicant claims sm	nall entity status. S	ee 37 CFR 1.27.	Examiner Name	2114	Minh T. L	·e		
TOTAL AMOUNT O	F PAYMENT	(\$) 790.00	Art Unit Attorney Docket N	lo. 42396	DP5728			
METHOD OF PAY	MENT (check al	that apply)						
	METHOD OF PAYMENT (check all that apply) □ Check □ Credit card □ Money Order □ None □ Other (please identify):							
Deposit Account D			Peposit Account N	lame: Blakely, Se	koloff, Tayl	lor & Zafman LLP		
For the above-ider	ntified deposit ac	count, the Director is I	hereby authorized	to: (check all that	apply)			
Charge fee(s)	indicated below		Charge !	fee(s) indicated be	low, except	for the filing fcc		
Charge any a	dditional fcc(s) o k §§ 1.16, 1.17, 1	r underpayment of fee .18 and 1.20.	(s) 🔀 Credit a	ny overpayments				
FEE CALCULATION	. 33							
		-						
Large Entity	Small Entity							
Fee Fee	Fee Fee	Fee Descripti	on			Fee Paid		
Code (\$)	Code (\$)	•						
1051 130		Surcharge - lat	_			. —		
1052 50		Surcharge - late	•	filing fee or co	ver shee	t.		
2053 130	1	Non-English sp			,			
1251 120		Extension for re				<u> </u>		
1252 450	2252 225	Extension for re	eply within se	cond month				
1253 1,020	2253 510	Extension for re	Extension for reply within third month					
1254 1,590	2254 795	Extension for re	Extension for reply within fourth month					
1255 2,160	1		Extension for reply within fifth month					
1401 500		Notice of Appe						
1402 500		Filing a brief in support of an appeal						
1403 1,000		_	Request for oral hearing					
1451 1,510		•	Petition to institute a public use proceeding					
1460 130			Petitions to the Commissioner					
1807 50			Processing fee under 37 CFR 1.17(q)					
1806 180		•	Submission of Information Disclosure Stmt					
1809 790			Filing a submission after final rejection (37 CFR § 1.129(a))					
1810 790	· · · · · · · · · · · · · · · · · · ·							
Other fee (specify) RCE Transmittal Fee								
SUBTOTAL (2) (\$) 790.00								
SUBMITTED BY	-/				Comp	lete (if applicable)		
	cs/Henr///	1	Registration No. (Attorney/Agent)	41,064	Telephone	(714) 557-3800		
Signature	1-2/H	1			Date	02/22/05		

7145573347

Applicant claims amail entity status. See 37 CFR 1.27.			Complete if Known						
Applicant claims small entity status. See 37 CFR 1.27. Examiner Name Dicu Minh T. Le						2001			
Applicant claims small entity status. Sec 37 CFR 1.27. Examiner Name Dicts Minh T. Le Art Unit 2114 Art Uni						2001			
METHOD OF PAYMENT (check all that apply) METHOD OF PAYMENT (check all that apply) Check Credit card Money Order None Other (please identify): Method Of Payment (check all that apply) Deposit Account Deposit Account Number: 02-2666 Deposit Account Number: 02							e		
METHOD OF PAYMENT (check all that apply) Check					21	14			
Check Credit card Money Order None Other (please identify):	TOTAL AMOUNT O	FPAYMENT	(\$) 790.00	Attorney Docket N	ö. <u>423</u>	90P5728			
Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP	METHOD OF PAY	MENT (check all	that apply)						
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fec(s) indicated below Charge fec(s) indicated below, except for the filing fec Charge are additional fec(s) or underpayment of fee(s) Charge fec(s) indicated below, except for the filing fec Charge are additional fec(s) or underpayment of fee(s) Credit any overpayments Credit any o	□Check □Credit c	ard 🔲 Money O	rder None O	Other (please iden	tify):				
Charge fec(s) indicated below Charge fec(s) midicated below, except for the filling fec Charge any additional fec(s) or underpayment of fec(s) Credit any overpayments	•	-	 	•	=		or & Zafman LLP		
Large Entity	⊠ Charge fcc(s	☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee ☐ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayments							
Fee Fee Code Code Fee Fee Code Fee Fee Code Fee Fee Fee Code Fee Fee Fee Code Fee Fee Fee Code Fee	FEE CALCULATION						 		
Fee Fee Code Code Fee Fee	Large Entity	Small Entity			,		ļ		
Code (\$)									
1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet. 2053 130 2053 130 Non-English specification	•		Fee Descripti	on			Fee Paid		
2053 130 2053 130 Non-English specification 1251 120 2251 60 Extension for reply within first month 1252 450 2252 225 Extension for reply within second month 1253 1,020 2253 510 Extension for reply within third month 1254 1,590 2254 795 Extension for reply within fourth month 1255 2,160 2255 1,080 Extension for reply within fifth month 1401 500 2401 250 Notice of Appeal 1402 500 2402 250 Filing a brief in support of an appeal 1403 1,000 2403 500 Request for oral hearing 1451 1,510 2451 1,510 Petition to institute a public use proceeding 1480 130 2460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1806 180 1806 180 Submission of Information Disclosure Stmt 1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional Invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) (\$\$) 790.00	1051 130	2051 65	Surcharge - late	e filing fee or	oath				
1251 120 2251 60 Extension for reply within first month 1252 450 2252 225 Extension for reply within second month 1253 1,020 2253 510 Extension for reply within third month 1254 1,590 2254 795 Extension for reply within fourth month 1255 2,160 2255 1,080 Extension for reply within fifth month 1401 500 2401 250 Notice of Appeal 1402 500 2402 250 Filing a brief in support of an appeal 1403 1,000 2403 500 Request for oral hearing 1451 1,510 2451 1,510 Petition to institute a public use proceeding 1480 130 2460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1806 180 1806 180 Submission of Information Disclosure Stmt 1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional Invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) (\$\$) 790.00 SUBMITED BY Registration No. (Altomisy/Agent) 41,064 Telephone (714) 557-3800	1052 50	2052 25	Surcharge - late						
1252 450 2252 225 Extension for reply within second month 1253 1,020 2253 510 Extension for reply within third month 1254 1,590 2254 795 Extension for reply within fourth month 1255 2,160 2255 1,080 Extension for reply within fifth month 1401 500 2401 250 Notice of Appeal 1402 500 2402 250 Filing a brief in support of an appeal 1403 1,000 2403 500 Request for oral hearing 1451 1,510 2451 1,510 Petition to institute a public use proceeding 1480 130 2460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1806 180 1806 180 Submission of Information Disclosure Stmt 1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) (\$) 790.00 \$UBMITTED BY Registration No. (Attorney/Appent) 41,064 Telephone (714) 557-3800 1909	2053 130	2053 130	Non-English sp	ecification					
1253	1251 120	2251 60	Extension for re	- · · · · · · · · · · · · · · · · · · ·					
1254	1252 450	2252 225	Extension for re	Extension for reply within second month					
1255	1253 1,020	2253 510	Extension for reply within third month						
1401 500 2401 250 Notice of Appeal	1254 1,590	2254 795	Extension for re	Extension for reply within fourth month					
1402 500 2402 250 Filing a brief in support of an appeal	1255 2,160	2255 1,080							
1403 1,000 2403 500 Request for oral hearing 1451 1,510 2451 1,510 Petition to institute a public use proceeding 1480 130 2460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1806 180 1806 180 Submission of Information Disclosure Stmt 1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional Invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) SUBMITTED BY Registration No. (Altomog/Appent) Registration No. (Altomog/Appent) Anne (PrintType) James Hearry Registration No. (Altomog/Appent) 41,064 Telephone (714) 557-3800	1401 500	2401 250	Notice of Appea	al					
1451 1,510 2451 1,510 Petition to institute a public use proceeding 1460 130 2460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1806 180 1806 180 Submission of Information Disclosure Stmt 1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) SUBMITTED BY Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) 141,064 Telephone (714) 557-3800	1402 500	2402 250	· · · · · · · · · · · · · · · · · · ·						
1460 130 2460 130 Petitions to the Commissioner	1403 1,000	2403 500							
1460 130 2460 130 Petitions to the Commissioner	1451 1,510	1	· · · · · · · · · · · · · · · · · · ·						
1806 180 1806 180 Submission of Information Disclosure Stmt 1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) SUBMITTED BY Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) 1306 180 Submission of Information Disclosure Stmt STORY (37 CFR § 1.129(a)) Telephone (37 CFR § 1.129(b)) Telephone (714) 557-3800	1460 130	1	· · · · · · · · · · · · · · · · · · ·						
1806 180 1806 180 Submission of Information Disclosure Stmt 1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) SUBMITTED BY Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) 1306 180 Submission of Information Disclosure Stmt STORY (37 CFR § 1.129(a)) Telephone (37 CFR § 1.129(b)) Telephone (714) 557-3800	1807 50	1807 50	I						
1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) SUBMITTED BY Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) October § 1.129(b)) Telephone (714) 557-3800	1806 180	1	• • • • • • • • • • • • • • • • • • • •						
1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b)) Other fee (specify) RCE Transmittal Fee SUBTOTAL (2) SUBMITTED BY Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) Registration No. (Attorney/Agent) October § 1.129(b)) Telephone (714) 557-3800	1809 790	1809 395	Filing a submissi	on after final re	ejection (37 C	FR § 1.129(a)))		
SUBTOTAL (2) SUBMITTED BY Registration No. (Altomey/Agent) Registration No. (Altomey/Agent) SUBMITTED BY Complete (if applicable) Telephone (714) 557-3800	1810 790	2810 395	For each addition	nal invention to	be examined	d (37 CFR § 1.	129(b))		
SUBTOTAL (2) SUBMITTED BY Registration No. (Altomey/Agent) Registration No. (Altomey/Agent) SUBMITTED BY Complete (if applicable) Telephone (714) 557-3800	· · · · · · · · · · · · · · · · · · ·								
Name (Print/Type) James Henry Registration No. (Attorney/Agent) 41,064 Telephone (714) 557-3800									
Name (Print/Type) James Henry Registration No. (Attorney/Agent) 41,064 Telephone (714) 557-3800	SUBMITTED BY					Comp	lete (if applicable)		
Signature Date 02/22/05		nes Henry	1		41,064	T .			